

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-26823 - APPLICANT/OWNER: WOLF CREEK HOME OWNERS ASSOCIATION

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Private Street use.
2. Approval of and conformance to the Conditions of Approval for Vacation (VAC-26418) and Waiver (WVR-26389) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

5. A Petition of Vacation shall be submitted, approved and recorded, such as VAC-26418. If the Petition of Vacation is denied, then this Special Use Permit shall be deemed null and void.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for Private Streets within an existing residential subdivision located on the east side of Jones Boulevard, 660 feet north of Horse Drive. The 59-lot single family home subdivision, which was built in 2005, has two points of ingress/egress. Access to the site is gained to the west from Jones Boulevard and Chestnut Run Avenue, and to the north from Canyon Ranch Street and Delonee Skies Avenue. The applicant states that the existing subdivision has been experiencing a heavy volume of cut-through traffic at speeds above the posted 25-mile per hour speed limit, endangering the safety of residents and hindering the quiet enjoyment of the neighborhood. The homeowner's association held several meetings to discuss possible solutions and ultimately have chosen to install gates at the Jones Boulevard and Chestnut Run access, and install bollards at the Canyon Ranch Street and Delonee Skies Avenue access.

A Waiver (WVR-26389) of Title 18.12.130 to allow Canyon Ranch Street to end in a dead end street where a cul-de-sac is required and a Vacation (VAC-26418) to Vacate Amber Station Avenue, Soaring High Street, Glenmere Avenue, Chestnut Run Avenue, Dakota Trace Circle and a portion of Canyon Ranch Street have been submitted as companion items to this request. As the applicant has satisfied all the conditional use requirements associated with a Private Street use, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/20/02	The City Council approved an Annexation [A-1-99(A)] for property generally located at the southeast corner of Brent Lane and Jones Boulevard, containing approximately 17.5 acres of land. The Planning Commission and staff recommended approval of this request.
03/06/02	The City Council approved a General Plan Amendment (GPA-0052-01) to amend a portion of the Centennial Hills Sector Plan from DR (Desert Rural Density) to R (Rural Density Residential), a Major Modification [Z-0016-98(22)] to the Iron Mountain Ranch Master Development Plan to add approximately 20 acres, a Rezoning (Z-0094-01) from U (Undeveloped) Zone [DR (Desert Rural Density) General Plan Designation] to R-PD3 (Residential Planned Development - 3 Units Per Acre) Zone and a Site Development Plan Review [Z-0094-01(1)] for a 70-lot single family residential subdivision adjacent to the southeast corner of Brent Lane and Jones Boulevard. The Planning Commission and staff recommended approval of these requests.

04/25/02	The Planning Commission approved a Tentative Map (TM-0021-02) for 60 lots on 20 acres located adjacent to the southeast corner of Brent Lane and Jones Boulevard. Staff recommended approval of this request.
06/05/02	The City Council approved a Vacation (VAC-0027-02) to vacate portions of Brent Lane, Duneville Street, Guy Avenue and Jones Boulevard, generally located at the southeast corner Jones Boulevard and Brent Lane. The Planning Commission and staff recommended approval of this request.
04/03/03	The Planning and Development Department administratively approved a Final Map (FMP-1920) for a single family subdivision located on the southeast corner of Jones Blvd and Brent Lane. The Final Map recorded 11/06/03.
06/26/08	The Planning Commission recommended approval of companion items WVR-26389 and VAR-26814 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #11/dc).
<i>Related Building Permits/Business Licenses</i>	
10/07/03	A building permit (#03021344) was issued for rough grading at 8522 North Jones Boulevard. The permit received final approval on 08/20/04.
05/03/04	A building permit (#04010548) was issued for block and retaining walls at 8522 North Jones Boulevard. The permit received final approval on 08/20/04.
07/12/04	A building permit (#04017439) was issued for engineered block and retaining walls at 8522 North Jones Boulevard for subdivision lots 20 through 26. The permit received final approval on 08/20/04.
<i>Pre-Application Meeting</i>	
12/26/07	A pre-application meeting was held in which elements of the submittal process for a Special Use Permit, Waiver and Vacation were discussed.
<i>Neighborhood Meeting</i>	
08/30/07	The existing homeowners association held a final meeting with residents of the subject subdivision to discuss privatization of neighborhood streets. The attendees at the homeowners' association meeting voted for and approved a decision to privatize the streets of the Jones Horse at Iron Mountain Ranch subdivision.

<i>Field Check</i>	
03/04/08	A field check was performed by staff at the subject site. The subdivision was noted as being fully developed, with newer style housing and fully improved streets, curbs and gutters. Two entrances were noted into the existing 59-home subdivision, one to the west at Jones Boulevard and Chestnut Run Avenue, and one to the north at Canyon Ranch Street and Delonee Skies Avenue. Multiple trees were noted as dead or missing from the Canyon Ranch Street entryway.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	19.83 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre)
North	Single Family Residential	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre)
South	Vacant Land	L (Low Density Residential)	U (Undeveloped) [L (Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD3 (Residential Planned Development – 3 Units Per Acre)
East	Single Family Residential	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre)
West	Vacant Land	RE (Rural Estates – Clark County)	R-E (Rural Estates Residential – Clark County)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Iron Mountain Ranch	X		Y*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
R-PD (Residential Planned Development) District	X		Y**
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y***

* The subject subdivision is located within the Iron Mountain Ranch Residential planned Development Master Plan. The existing subdivision and proposed Private Street use is in conformance with this plan.

** The subject subdivision is within a Residential Planned Development District. The development standards for this district were established in Site Development Plan Review [Z-0094-01(1)] in which this subdivision is in conformance with.

*** The subject subdivision is located within 100 feet of unincorporated Clark County. This meets the criteria of a Project of Significant Impact which must be submitted if a Special Use Permit application is made concerning property within 500 feet of the City Boundary with Clark County or North Las Vegas. A Project of Significant Impact has been filed and submitted to the appropriate agencies.

ANALYSIS

This is a request for a Special Use Permit for Private Streets use in an existing single-family subdivision located on Jones Boulevard 660' north of Horse Drive. The subdivision is a 59-lot single family home development which was constructed in 2005. Access to the subdivision is gained from Jones and Chestnut Run Avenue to the west and from Canyon Ranch Street and Delonee Skies Avenue to the north. This proposal, along with the companion Vacation (VAC-26418) and Waiver (WVR-26389), would provide entry gates at the Jones and Chestnut Run Avenue entrance and place bollards at the Canyon Ranch Street and Delonee Skies Avenue entrance, creating one point of ingress/egress to the existing subdivision.

The applicant has stated within the justification letter that the request for a Special Use Permit for Private Streets stems from safety issues with children walking to school, a high traffic flow pattern in a limited space, drivers ignore existing stop signs, excessive speed and lack of courtesy from drivers cutting through the existing neighborhood. As a result several neighborhood association meetings were held and the final outcome was to privatize the existing streets and gate the subdivision.

If approved, this Special Use Permit will allow for the privatization of Amber Station Avenue, Soaring High Street, Glenmere Avenue, Dakota Trace Court, and a portion of Chestnut Run Avenue and Canyon Ranch Street. As the applicant has satisfied all the conditional use requirements associated with a Private Street use, staff recommends approval of this request.

Conditions:

Private Streets [All Residential Districts]

- (1) Eligibility as Conditional Use. Private streets are permitted pursuant to the following provisions only if:
 - (a) The streets are public streets within an existing subdivision that are proposed to be converted to private streets; and
 - (b) All the lots within the subdivision conform to the minimum lot size requirements of Title 19.

- (2) Design and Construction Standards. Unless otherwise approved by the City Council or otherwise provided by means of a specific regulation governing private streets, every private street shall conform to the same standards that govern the design and construction of public streets.
- (3) Access Restrictions. The entrances to all private streets must be marked with a sign stating that it is a private street. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances shall be manned twenty-four hours every day or provide an alternative means of ensuring access to the subdivision by the City and other emergency and utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide City services, the City may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this paragraph which may not be amended without the written consent of the City.
- (4) Access Restricted Entrance Design Standards. Any private street which has access control gates or cross arms must be of a break-away design. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets. Any guardhouse, or other entry feature designed as a drive-through, must have a minimum clearance of fourteen feet in height above the road surface.
- (5) Streets Excluded. Streets shown on the Master Plan of Streets and Highways shall not be used, maintained, or constructed as private streets. Also, the department may deny the creation of any other private street if it is determined that the private street would have any of the following effects:
 - (a) Negatively affect traffic circulation on public streets;
 - (b) Impair access to property either on-site or off-site to the subdivision;
 - (c) Impair access to or from public facilities including schools, parks and libraries; or
 - (d) Delay the response time of emergency vehicles.
- (6) Property Owners' Associations Required. Subdivisions developed with private streets must have a mandatory property owners' association which includes all property served by private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. Such documents are subject to review and approval by the City to ensure that adequate provision for maintenance has been made.

- (7) Private Street Requirements. Private streets must be located on property that is separately owned by a property owners' association or is subject to perpetual access easements running in favor of the owners of lots within the subdivision. Private streets must include provision for appropriate easements to be granted to the City and to other utility providers allowing necessary use and access for utilities and the maintenance thereof. The easements must also provide the City and protective service providers with the same right of access they would have if the streets were public streets.
- (8) Waiver of Services. The subdivision final map, property deeds and property owners association documents shall note that certain City services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances, preparation of accident reports and other services which may not be reasonably or properly available within a particular development. All private regulatory signs shall conform to State of Nevada regulations.
- (9) Special Use Permit. In cases where a Special Use Permit is required to allow private streets that do not conform to the provisions of Paragraphs (1) through (5) above, the provisions of Paragraphs (1) through (8) above are minimum standards that shall presumptively apply to a Special Use Permit for this use. The prohibitions and requirements in Paragraphs (5) through (8) are not waivable in connection with a Special Use Permit approval.

The applicant has demonstrated to the Planning and Development Department staff that they are in conformance with each of these conditions.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Private Street use can be conducted in a manner that is harmonious and compatible with existing and surrounding land uses and with future surrounding land uses, as several existing subdivisions nearby are gated with Private Streets. It should be noted that gating this subdivision will create only one point of ingress/egress for the existing subdivision eliminating the option of exiting and entering to the north. Conversely, the residents of the 453-lot single family subdivision to the north and east of the subject subdivision will also lose one point of ingress/egress where only six, including the entry to the subject subdivision, exist.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

The site is physically suitable for the Private Street use proposed. The entry to the subdivision at Jones Boulevard and Chestnut Run Avenue appears to have been originally designed to accommodate gates and the existing neighborhood streets meet current standards.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

The site is accessed from Jones Boulevard, a 100-foot Primary Arterial, designated by the Master Plan Streets and Highways, which can adequately serve the existing subdivision.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The proposed Private Street will be subject to inspections for compliance to Title 18 (Subdivision Ordinance) requirements and to City design standards and therefore will not compromise the public health, safety and welfare or the overall objectives of the General Plan.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Private Street use meets all of the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 539 by City Clerk

APPROVALS 10

PROTESTS 6